



RAVALLI COUNTY ATTORNEY

205 Bedford Street, Suite C, HAMILTON, MT 59840-2853
Phone (406) 375-6750 Fax (406) 375-6731

TO: David Hedditch, Chairman Ravalli County Airport Board
CC: Ravalli County Commissioners ✓

FROM: Alex Beal, Deputy

A handwritten signature in blue ink, appearing to be "AB" or "Beal".

DATE: April 17, 2007

RECEIVED

APR 17 2007

Ravalli County Commissioners

RE: Airport SuperAWOS/DigiWX Bid

At your request, I have reviewed the documents that you provided me regarding the bids for a SuperAWOS or DigiWX weather system. Put simply, § 7-5-2301, MCA requires that all contracts over \$50,000 must be put out to bid, and must be awarded to the lowest responsible bidder. However, § 7-5-2309 allows for a monetary preference for firms that have their principle place of business in the County or the State. If Federal money is involved, the process can become more complicated. It is my understanding that some of the bidders were Montana companies, but none were Ravalli County companies. Would you clarify for me where these firms are located?

I have not seen, and thus not reviewed, the initial call for bids. Nor do I understand, even remotely, what the difference between a SuperAWOS and a DigiWX is. I do not even know what they are. But I do know this: if you asked for bids for one or the other of these things, then that is what people should have submitted bids for. If they are equivalents, and you did not specify in your bid language that you were asking for one or the other of them, then you may not arbitrarily reject a low bidder of one of them. If the low bidder is not chosen, findings will need to be made as to why. If the low bidder has a history of non-performance on their contracts, especially with Ravalli County, that would be a reason to reject it. As a general rule, there needs to be a very good reason not to select the low bidder. In conclusion, if the call for bids did not specify SuperAWOS or DigiWX and these are generally equivalent items then the time to choose one or the other has likely passed. I would gladly discuss this matter further with the Airport Board and the Board of County Commissioners, but this would be best done in a public forum.